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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE V.P.MOHAN KUMAR

WRIT PETITION NO.39294/1993

BETWEEN:-

H.K.Basappa, S/o Kariyappa,
aged about 65 years,
Ex-Chairman, R/o Kulenur,
Haralikatti P.O.,
Taluk: Channagiri,
Dist: Shimoga.

WOS
..PETITIONER

(By Sri Siddarammegowda, Advocate)
and Sri T.R.Rangarajan,)

AND:-

1. The State of Karnataka
by its Commissioner and
Secretary, Department of
Revenue, M.S.Building,
Bangalore-1.
2. The Deputy Commissioner,
Shimoga District, Shimoga.
3. The Tahsildar,
Channagiri Taluk,
Channagiri.

..RESPONDENTS

(By Sri T.P.Nambiar, AGA, for R1-R3)

This W.P. filed u/a 226 & 227 of the Constitution of India praying to Direct the respondents to preserve the land in question as a 'gomal Land' and not to grant the same in favour of any person or persons. and etc.

This W.P. coming on for preliminary hearing in 'B' group this day, the Court made the following:-

O R D E R

The petitioner's relief is for a writ of mandamus commanding the authorities to declare lands covered by Annexure-A, A-1, A-2, A-3 and A-4 to be Gomal lands. He also prays for a writ of mandamus to the Tahasildar concerned to declare these lands to be Gomal Lands and dispose of Annexure-B representation.

2. I have heard Mr. Siddaramegowda, learned Counsel for the petitioner at length. I do not think this Court can step in and declare a particular land to be a Gomal land or otherwise. This declaration has to be exercised by the Survey Authorities. As noticed from the submissions made, a particular land will be

declared as a Gomal land depending on the cattle existing in the village. This survey is to be exercised by the Survey and other authorities relating to that Department. It is not the business of this Court to count the cattles in a village and declare any particular land to be Gomal land or otherwise. Any application made by the petitioner will be transferred to the competent authorities for proper disposal. Writ petition disposed of.

Sd/-
JUDGE



ksp/hba/-